

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILIP BERRYMAN,

Petitioner,

Case Number: 07-14782
Honorable George Caram Steeh

v.

DEBRA SCUTT,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S
MOTIONS: (1) FOR APPOINTMENT OF COUNSEL
AND (2) FOR JUDICIAL NOTICE**

Before the Court are Petitioner's motions—(1) for appointment of counsel (Docket # 23) and (2) for judicial notice regarding the Michigan Attorney General's filing of appearance in the case (Docket # 22). For the following reasons, Petitioner's motions are denied.

I. Motion for Appointment of Counsel

There exists no constitutional right to the appointment of counsel in civil cases, and the Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (“[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.”) (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case “[w]henver the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). In the instant case, the Court determines, after careful consideration, that the interests of justice do not require appointment of counsel at this time.

II. Motion for Judicial Notice Regarding The Michigan Attorney General's Filing An

Appearance

Regarding Petitioner's motion for judicial notice, the Order for Responsive Pleading in this case was served upon Respondent, the Michigan Attorney General's Office, on April 30, 2008, requiring Respondent to answer Petitioner's petition for writ of habeas corpus by November 6, 2008. As the Order was just recently served, Respondent has not yet filed an appearance or its answer, and is not required to do so until November 6, 2008. As a result, there is no need for the Court to take judicial notice in this case.

Accordingly, **IT IS ORDERED** that Petitioner's "Motion for Appointment of Counsel" (Docket # 23) is **DENIED WITHOUT PREJUDICE**. The Court will reconsider Petitioner's motion if it determines, at a later date, that appointment of counsel would be necessary.

IT IS ALSO ORDERED that Petitioner's "Motion to Take Judicial Notice of the Michigan Attorney General to File An Appearance in the Instant Case at Bar" (Docket # 22) is also **DENIED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated: June 16, 2008

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE
Copies of this Order were served upon attorneys of record on
June 16, 2008, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk